

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Joachim BAUMANN et al. Conf: 4624  
Application No.: 09/762,508 Group: 2878  
Filed: February 7, 2001 Examiner: Gagliardi, Albert J.  
For: THERMAL-WAVE MEASURING METHOD

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

**MAIL STOP ISSUE FEE**

September 16, 2004

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants offer the following comments in response to the Examiner's Statement of Reasons for Allowance set forth on page 2 of the Notice of Allowability (dated June 16, 2004).

The reasons for allowance only loosely paraphrases the recitations of independent claim 1. For example, claim 1 does **not** recite the term "receiving infrared radiation that is simultaneously modulated with two discrete drive frequencies." At least in this respect, the reasons for allowance do not accurately restate the claimed invention. Applicants respectfully submit that independent claim 1 should be interpreted only by the limitations present therein, and not by the Examiner's paraphrasing.

Respectfully submitted,  
HARNES, DICKEY & PIERCE, P.L.C.

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